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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,901	01/03/2002	Thomas Marincic	XP-0985	8742

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EXAMINER

EVANISKO, LESLIE J

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 03/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/039,901	MARINCIC ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leslie J. Evanisko	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 10, 11 and 18-40 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6-9 and 12-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: marked-up copy of fig. 11 of US 4815723

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references (particularly the reference mentioned on page 16 of the specification) have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings are objected to because reference numeral **168** in Figure 14 should be reference numeral **166**, since reference numerals **166** and **170** were defined as the flags for each boss on the bottom of page 20 of the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the

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printing plate comprising a substrate and an imageable layer formed on the substrate as recited in claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The abstract of the disclosure is objected to because the abstract uses the language "The present invention provides," which is language that should be avoided in the abstract, as set forth in MPEP 608.01(b) and 37 CFR 1.72(b). Correction is required. See MPEP § 608.01(b).

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should **avoid using phrases** which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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6. The disclosure is objected to because of the following informalities: It appears that reference numeral **168** in lines 2 and 7 of page 22 should be deleted and replaced with --**166**-- since that is how the “flags” were previously defined on the bottom of page 20 and furthermore, reference numeral **168** has been designated as a “spring-loaded shaft” in the last 4 lines of page 20.

Appropriate correction and/or clarification is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 5, 10-11, 18-23, and 28-35 are rejected under 35 U.S.C. 102(b) as being by Iizuka (US 4,815,723). Iizuka teaches an apparatus comprising a stack of printing plates **12**, **1016**, a vacuum system **13**, **1112** for picking up an edge of a top printing plate from the stack of printing plates, and a peeling system including a pair of rotatable belts **2**, **1076**, a plurality of plate feed beams **4**, **5**, **1082** attached to, and extending between, the pair of rotatable belts, and a drive system **3**, **1070**, **1072**, **1074**, **1078** for rotating the pair of belts to displace the plurality of plate feed beams between the top printing plate and an underlying printing plate in the stack of printing plates,

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thereby peeling the top plate from the stack of printing plates. See Figures 1-4 and 6-8 in particular.

With respect to claim 2, note the plate feed beam (i.e., the shaft supporting the rollers) includes at least one roller **4**, **5**, and **1084** as shown in Figures 1 and 11-12 in particular.

With respect to claim 5, note Figure 11 shows that the plate feed beam includes an intermediate connector and the intermediate connectors are attached to corresponding couplers located on an outer surface of the belts. Particular attention is invited to the marked up copy of Figure 11 attached to this Office Action.

With respect to claim 10, note the chains and beams of Iizuka are movable between a "home" position and a "plate loaded" position as taught in column 4, line 50-column 5, line 21 and column 11, lines 49-column 12, line 2.

With respect to claim 11, note Iizuka teach the use of limit switches **1086**, **1088** to sense the position of the outer chains and thereby sense the position of the plate feed beams in column 8, lines 38-41 and column 11, lines 49-68.

With respect to claims 18 and 22, note the plate feed beams of Iizuka do not contact the surface of the underlying printing plate in the stack.

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With respect to claims 19-21, note Iizuka teaches the printing plates are photosensitive plates comprised of a support and an imageable layer formed on the substrate, as taught in column 1, lines 15-23.

With respect to claim 23, note the chains **2**, **1076** of Iizuka are endless belts as shown in Figures 1-2 and 7.

With respect to claims 28-35, note that Iizuka teaches a method as recited. Particular attention is invited to the above comments with respect to the apparatus claims.

9. Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Beisel et al. (US 5,443,006). Beisel et al. teach an apparatus comprising a cassette **4** containing a stack of printing plates **9** and a peeling system **54**, **55**, **56**, configured to peel the top plate from an underlying printing plate without contacting the underlying plate, as broadly recited. See Figures 10-12 and column 7, line 1-column 8, line 33.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 24, 36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beisel et al. (US 5,443,006) in view of Iizuka (US 4,815,723). Beisel et al. teaches a cassette **4** containing a stack of printing plates **9** and a peeling system **54, 55, 56** as recited with the exception of the peeling system including the particular structure (i.e., a pair of rotatable belts, plate feed beams, and a drive system) as recited. Iizuka teaches an apparatus and method for peeling a printing plate **12, 1016** from the stack of plates using a peeling system including a pair of rotatable belts **2, 1076**, a plurality of plate feed beams **4, 5, 1082** extending between the belts, and a drive system **3, 1070, 1072, 1074, 1078** for rotating the belts to displace the plate feed beams as recited. See Figures 1-4 and 6-8 in particular. In view of this teaching, it



would have been obvious to one of ordinary skill in the art to provide the peeling system as taught by Iizuka in the cassette of Beisel et al. as it would require simply the obvious substitution of one known peeling system for another to provide a simplified structure for peeling and feeding the plate to the external drum.

13. Claims 25-27 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iizuka (US 4,815,723) in view of Kawada et al. (US 6,164,204). Iizuka teaches an apparatus and method as recited with the possible exception of the apparatus including a support surface, a mounting system, and a scanning system for imaging the printing plate. Note that the Iizuka teaches the aut feeder **30, 2000** is used to feed a photosensitive plate **10, 1016** to an automatic processing machine **11, 1012** in column 3, lines 36-39 and 60-65 and shown in Figures 1 and 6. Although Iizuka is silent with respect to the details of the automatic processing machine and whether it includes an imaging system, note that Kawada et al. teach an apparatus for feeding plates from a cassette **9** onto a media support surface **1** including a mounting system **2, 3, 5** for mounting the top printing plate **100** onto the media support surface and a scanning system **8** for imaging data onto the printing plate is well known in the art. See column 9, lines 21-31 and Figures 2 in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the processing machine of Iizuka to include

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a support surface, a mounting system and a scanning system for imaging each plate fed from the stack as taught by Kawada et al. to provide an efficient feeding system for in-process imaging of printing plates held on a rotatable drum.

With respect to claims 26-27 and 38, note that the media support surface of Kawada et al. is an external drum **1** including a drive system **4** for rotating the external drum during data imaging, in column 8, lines 43-47 and 55-60.

***Allowable Subject Matter***

14. Claims 3-4, 6-9, and 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or fairly suggest an apparatus including all of the structure as recited, in combination with and particularly including, each plate feed beam having a separate shaft and roller attached thereto.

Furthermore, the prior art of record fails to teach or fairly suggest an apparatus including all of the structure as recited, in combination with and

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particularly including, each end of the plate feed beam including an intermediate connector and an anti-rotation device.

Furthermore, the prior art of record fails to teach or fairly suggest an apparatus including all of the structure as recited, in combination with and particularly including, the sensor system comprising first and second shafts each including a flag and first and second sensors for detecting each of the flags.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hamada et al. (US 4,311,304), Bohannon et al. (US 3,625,377), and Jarman (US 3,912,253) each teach an apparatus for picking up a substrate from a stack of substrates having obvious similarities to the claimed subject matter.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(703) 308-0786**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or

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proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*Leslie J. Evanisko*  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

*lje*  
lje  
March 17, 2003

U.S. Patent

Mar. 28, 1989

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